

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TIMOTHY SCOTT McCANE,

Plaintiff,

v.

**Civil Action 2:12-cv-00067
Judge Edmund A. Sargus
Magistrate Judge Elizabeth P. Deavers**

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

This matter is before the Court for consideration of the September 17, 2012 Report and Recommendation of the Magistrate Judge. (ECF No. 23.) The Magistrate Judge recommended that the Court dismiss this action because Plaintiff filed his Complaint after the 60-day statute of limitations set forth in Section 405(g) of the Social Security Act had expired. 42 U.S.C. § 405(g). The Magistrate Judge also recommended that the Court deny Defendant's alternative Motion for Summary Judgment as moot in light of her recommendation that this action be dismissed.


The Report and Recommendation specifically advised the parties that their failure to object to the Report and Recommendation within fourteen days of the Report would result in a "waiver of the right to de novo review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation 6, ECF No. 23.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have

been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. (ECF No. 23.) Accordingly, this action is **DISMISSED** as time barred. Defendant's alternative Motion for Summary Judgment is **DENIED** as moot. The Clerk is **DIRECTED** to enter judgement in favor of Defendant and to terminate this case.

IT IS SO ORDERED.

10-16-2012
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE